

STATEMENT OF BASIS (AI No. 157361)

for draft Louisiana Pollutant Discharge Elimination System permit No. LA0123846 to discharge to waters of the State of Louisiana.

THE APPLICANT IS: Wagner & Associates, LLC
P.O. Box 40
Brittany, LA 70718

ISSUING OFFICE: Louisiana Department of Environmental Quality (LDEQ)
Office of Environmental Services
Post Office Box 4313
Baton Rouge, Louisiana 70821-4313

PREPARED BY: Yvonne Baker

DATE PREPARED: May 7, 2008

1. PERMIT STATUS**A. Reason For Permit Action:**

Issuance of a Louisiana Pollutant Discharge Elimination System (LPDES) permit for a 5-year term. This facility submitted a renewal application for LPDES Permit Number LA0098752 on November 6, 2007. The renewal application was submitted to discharge dry commodity and coal and coke barge/ vessel washwater and ballast water from a mobile barge cleaning and repair facility operating from River Miles 45 to 235 on the Mississippi River. The permit was transferred to River Barge Works during the renewal process in February 2007. The facility submitted the March 26, 2008 application to clean and repair barges at a fixed location.

B. NPDES permit – NPDES permit effective date: N/A
NPDES permit expiration date: N/A
EPA has not retained enforcement authority.

C. LPDES permits –
LPDES permit effective date: N/A
LPDES permit expiration date: N/A

D. Date Application Received: March 26, 2008; additional information received via phone conversation May 7, 2008.

2. FACILITY INFORMATION**A. FACILITY TYPE/ACTIVITY - barge cleaning and repair facility**

Wagner & Associates is an existing facility which cleans and repairs open top dry cargo barges containing: urea, potash, cement, coal, coke, grain, iron ore, scrap steel. All solids are removed before the facility receives the barges. All dry cargos are cleaned in a similar manner. River water is sprayed inside the barges at one end of the barge and pumped overboard from the opposite end. Ten barges can be cleaned in one day. The facility operates ten hours per day, five to seven days per week. The facility discharges dry commodity and coal and coke barge/ vessel washwater, ballast water, and stormwater to the Mississippi River. The facility's sanitary wastewater is covered by Weber Marine and port-o-lets are also used.

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B. FEE RATE

1. Fee Rating Facility Type: minor
2. Complexity Type: II
3. Wastewater Type: III
4. SIC code: 3731 and 4491

C. LOCATION - LA Highway 44 at River Mile 167.5 on the Mississippi River in Union,
St. James Parish
Latitude 30° 05' 25", Longitude 90° 54' 38"

3. OUTFALL INFORMATION

Outfall 001

Discharge Type: dry commodity hopper barge / vessel washwater
Treatment: none
Location: at the point of discharge from the barge / vessel being washed
Flow: intermittent
Discharge Route: via pipe to the Mississippi River

Outfall 002

Discharge Type: coal and coke hopper barge / vessel washwater
Treatment: none
Location: at the point of discharge from the barge / vessel being washed
Flow: intermittent
Discharge Route: via pipe to the Mississippi River

Outfall 03A

Discharge Type: incoming ballast and void water from customer barges
Treatment: none
Location: at the point of discharge from the customer barge wing/void tanks
Flow: intermittent
Discharge Route: via pipe to the Mississippi River

Outfall 03B

Discharge Type: maintenance ballast and void water
Treatment: none
Location: at the point of discharge from the work barge wing/void tanks
Flow: intermittent
Discharge Route: via pipe to the Mississippi River

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4. RECEIVING WATERS

STREAM - via pipe to the Mississippi River

BASIN AND SEGMENT - Mississippi River Basin, Segment 070301

DESIGNATED USES -

- a. primary contact recreation
- b. secondary contact recreation
- c. propagation of fish and wildlife
- d. drinking water supply

5. TMDL STATUS

The discharges from Wagner & Associates, LLC are to the Mississippi River, Subsegment 070301 of the Mississippi River Basin. Subsegment 070301 is not listed on LDEQ's Final 2006 303(d) List as impaired, and to date no TMDL's have been established. A reopener clause will be established in the permit to allow for the requirement of more stringent effluent limitations and requirements as imposed by any future TMDLs.

6. PROPOSED EFFLUENT LIMITS

BASIS - See Rationale below.

7. COMPLIANCE HISTORY/COMMENTS

NOTE: Compliance history and DMR review were for LPDES Permit No. LA0098752, which was transferred to River Barge Works in February 2007.

1. OEC – There are no open, appealed, or pending OEC enforcement actions as of November 27, 2006. There are no current compliance inspections on file as of November 27, 2006.
2. DMR Review: A DMR review of years 2005 and 2006 noted no exceedance in permitted limits. The last 2 quarter DMRs for 2006 were not on file at LDEQ. All other DMRs were on file.

9. ENDANGERED SPECIES

The receiving waterbody, Subsegment 070301 of the Mississippi River Basin, has been identified by the U.S. Fish and Wildlife Service (FWS) as habitat for the Pallid Sturgeon, which is listed as an endangered species. LDEQ has not submitted this draft permit to the FWS for review in accordance with a letter dated October 24, 2007 from Boggs (FWS) to Brown (LDEQ). As set forth in the Memorandum of Understanding between the LDEQ and the FWS, and based on information provided by the FWS, LDEQ has determined that the issuance of the LPDES permit is not likely to have an adverse effect upon the Pallid Sturgeon. The effluent limitations established in the permit ensure protection of aquatic life and maintenance of the receiving water as aquatic habitat. Therefore, the issuance of the LPDES permit is not likely to have an adverse effect on any endangered or candidate species or the critical habitat.

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10. HISTORIC SITES

The discharge is from an existing facility location, which does not include an expansion on undisturbed soils. Therefore, there should be no potential effect to sites or properties on or eligible for listing on the National Register of Historic Places, and in accordance with the "Memorandum of Understanding for the Protection of Historic Properties in Louisiana Regarding LPDES Permits" no consultation with the Louisiana State Historic Preservation Officer is required.

11. TENTATIVE DETERMINATION

On the basis of preliminary staff review, the Department of Environmental Quality has made a tentative determination to issue a permit for the discharge described in the application.

12. PUBLIC NOTICES

Upon publication of the public notice, a public comment period shall begin on the date of publication and last for at least 30 days thereafter. During this period, any interested persons may submit written comments on the draft permit and may request a public hearing to clarify issues involved in the permit decision at this Office's address on the first page of the statement of basis. A request for a public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing.

Public notice published in:

Local newspaper of general circulation

Office of Environmental Services Public Notice Mailing List

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Rationale for Wagner & Associates, LLC

1. **Outfall 001:** dry commodity hopper barge / vessel washwater

Based on BPJ and on permits for similar facilities, no effluent limitations are established for washwaters from barges previously containing dry commodities including: Urca, Potash, Cement, Grain, Iron ore, and Scrap steel. Best Management Practices (BMPs) for barge operations are listed in Part II.

2. **Outfall 002:** coal and coke hopper barge / vessel washwater

<u>Pollutant</u>	<u>Limitation</u> Mthly Avg:Daily Max (mg/l)	<u>Reference</u>
Flow-MGD	Report:Report	LAC 33:IX.2701.1.1.b
COD	250:400	Similar Discharges; BPJ
TSS	Report:Report	Similar Discharges; BPJ
pH	6.0 - 9.0 s.u.	Similar Discharges; BPJ

BPJ Best Professional Judgment

Treatment: none

Monitoring Frequency: TSS shall be observed once per month and Flow, COD and pH shall be observed once per week at the point of discharge from the barge / vessel being washed.

Limits Justification: Limits and Monitoring Frequency are based on current guidance for similar discharges from other facilities.

3. **Outfall 03A:** incoming ballast and void water from customer barges **Outfall 03B:** maintenance ballast and void water

<u>Pollutant</u>	<u>Limitation</u> Mthly Avg:Daily Max (mg/l)	<u>Reference</u>
Flow-MGD	Report:Report	LAC 33:IX.2701.1.1.b
COD	---:250	Similar Discharges; BPJ
Oil and Grease	---:15	Similar Discharges; BPJ
pH	6.0 - 9.0 s.u.	Similar Discharges; BPJ

BPJ Best Professional Judgment

Treatment: none

Monitoring Frequency: Flow, COD, Oil & Grease and pH shall be observed once per week at the point of discharge from the incoming customer barge/vessel.

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*The measurement frequency for Outfall 03B for the discharge of maintenance ballast and void water shall be 1/month whenever sampling is required.

Limits Justification: Limits and Monitoring Frequency are based on current guidance for similar discharges from other facilities.

This facility is not subject to Effluent Limitations Guidelines for Transportation Equipment Cleaning, 40 CFR Part 442, because, in accordance with 40 CFR 442.1.a, "this part applies to discharges resulting from cleaning the interior of tanks used to transport chemical, petroleum or food grade cargos." This facility cleans barges and vessels containing dry commodities only. This facility does not clean barges and vessels containing liquid chemical, petroleum or food grade cargos as defined in 40 CFR 442. Only barges and vessels containing dry bulk materials are cleaned.

Storm Water Pollution Prevention Plan (SWP3) Requirement

A SWP3 is included in the permit because in accordance with LAC 33:IX.2511.A.1, storm water discharges shall not be required to obtain an LPDES permit "... except... discharges associated with industrial activity." In accordance with LAC 33:IX.2511.B.14.a-k, facilities classified as SIC codes 3731 and 4491 are considered to have storm water discharges associated with industrial activity.

The SWP3 shall be prepared, implemented, and maintained within six(6) months of the effective date of the final permit. The plan should identify potential sources of storm water pollution and ensure the implementation of practices to prevent and reduce pollutants in storm water discharges associated with industrial activity at the facility (see Part II of the permit).